THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.3474 OF 2006

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Date: 14-12-2006

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Between:

1. G.Sudheer Kumar,

s/o late Dr.G.Venkata Swamy,

aged 40 years, Occ: business, r/o 4-6-123,

Pan Bazar, Secunderabad and 3 others.

… Petitioners.

And

1. Municipal Corporation of Hyderabad,

rep. by its Commissioner, Sagar View

Building, Tank Bund, Hyderabad

and 2 others.

… Respondents.

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ORDER:

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This Court issued Rule Nisi on 23.02.2006. The learned Standing Counsel appearing for the respondents had taken notice and requested time to file counter-affidavit and no counter-affidavit is forthcoming.

2. Sri K.Santhanam, learned counsel representing the writ petitioners had taken this court through the averments of the affidavit filed in support of the writ petition and would submit that the applications submitted for building permission are not being

considered by the respondents despite repeated representations in this regard.

3. The writ petition is filed for a writ of Mandamus directing and commanding the respondents to release the building sanctioned plan vide their application dated 28.12.2005 and building application dated 11.12.2005 in respect of the premises bearing house No.10-1-49 in survey No.63 admeasuring 356 sq. yards situated at West Maredpally, Secunderabad, and pass such other suitable orders.

4. The suit O.S.No.116 of 1994 and the appeal A.S.No.20 of 2002 and the result thereof also had been referred to. It is also stated that an application for sanction of building permission dated 28.12.2005 and Building Application Form dated 11.12.2005 were made and subsequent thereto. It is stated several representations were made for disposal of the said applications.

5. The main grievance of the petitioners is that despite several representations, the respondents are not disposing of the said applications praying for building permission in accordance with law. It is also stated by the learned counsel representing the petitioners that the respondents are insisting on the 'no objection certificate' from the revenue authorities.

6. It is needless to say that in the light of the consistent view expressed by this Court that 'no objection certificate' from the revenue authorities cannot be insisted upon, the respondents are bound to consider the applications referred to supra in accordance with law. It is needless to say that the petitioners may have to comply with the other objections, if any, which may be raised.

7. In view of the facts and circumstances, the writ petition is disposed of directing the respondents to consider and dispose of the applications praying for the sanction of the building permission by the writ petitioners in the present writ petition in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

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P.S.NARAYANA, J.

Date: 14th December 2006.

Note:

Issue CC by tomorrow.

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BSB